



## INFORMATION REPORT ON

# State Legislation

OFFICE OF STATE PROGRAMS  
U. S. NUCLEAR REGULATORY COMMISSION

Vol. 8, No. 3

March 1982

All eligible States (except North Carolina) have introduced legislation adopting the Southeast Low-Level Waste Compact. The States which have introduced Compact Legislation reported in this issue are Alabama, Florida, Georgia and Virginia. Note that the Southern States Energy Compact (see Kentucky, S-104) is not a low-level waste compact, but a coalition of several States interested in general energy conservation and policy development.

Six States have no regular sessions scheduled for 1982; Louisiana's 1982 session will not convene until April 19 and North Carolina's will not convene until June 2.

A number of State and local governments have enacted bans on transportation of radioactive material through their jurisdiction. DOT's routing rule (HM-164) would have overridden these bans. On February 19, 1982, Judge A.D. Sofaer enjoined DOT from enforcing the routing rule insofar as it relates to the highway transportation of spent fuel and other larger quantity shipments of radioactive materials through densely populated areas such as New York City until it had studied the problems posed by low-probability/high consequence occurrences.

NRC staff attended NGA's Annual Winter Meeting in Washington, February 21-23. On February 22, a meeting on Low-Level Waste Compacts was held and one representative from each of the seven Compacts was present to report the status and unique aspects of each Compact. A representative from the House Commerce Committee was also present to offer some insight into the process of Congressional review which will occur after the Compacts are submitted.

A handwritten signature in dark ink that reads "G. Wayne Kerr".

G. Wayne Kerr, Director  
Office of State Programs

Prepared by Mindy Smith Landau, OSP  
(301) 492-9880





### Energy Offices

Florida S-875  
Kentucky S-104  
Kentucky S-174

### Environmental Controls

Hawaii H-1998  
Massachusetts S-896

### Health Departments

Florida H-932\*  
Massachusetts S-473  
Missouri H-1368\*

### High-Level Waste Management

Massachusetts S-344  
Washington SJM-116

### Legislative and Executive Branch Activities

California S-1380

### Low-Level Waste Compacts

Alabama S-190, H-300  
Florida S-849  
Georgia H-1391  
Virginia H-709

### Low-Level Waste Management

Maryland S-31

### Power Plants

New York S-45-A  
South Dakota H-1172  
South Dakota H-1248

### Power Plant Siting

Minnesota S-1584  
South Dakota H-1292

### Public Utility Commission

Florida H-765  
Kentucky S-171  
Maine LD-1901  
Maryland S-329  
Massachusetts S-372  
Massachusetts S-417  
Ohio S-378  
Vermont H-220  
Washington S-4463  
Washington H-1053  
West Virginia H-1192  
West Virginia H-1534

### Radiation

Missouri H-1368\*

### Radioactive Waste, Handling and Financial Management

Massachusetts S-825  
Mississippi S-2694

### Transportation

Florida H-932\*  
Massachusetts S-944  
New York A-9482  
Virginia S-85


### Uranium Mining and Milling

Virginia S-338  
Virginia H-583

### General

California A-2292  
Kansas S-610  
Washington H-975

\*Bill appears in more than one category



Digitized by the Internet Archive  
in 2012 with funding from

University of Florida, George A. Smathers Libraries with support from LYRASIS and the Sloan Foundation

Energy Data Center S-875. Relates to the creation and duties of the Energy Data Center, petroleum allocation, and energy emergency contingency plan duties of the Executive Office of the Governor. (Introduced 2/1/82.)

Transportation of Waste H-932. Describes placarding, packaging & handling requirements of radioactive waste in-transit. Directs the Department of Health and Rehabilitative Services to designate routes to be used for waste shipments. Provides for notification of radioactive shipments to the Department. (Introduced 1/22/82.)

## GEORGIA

Southeast Interstate Low-Level Radioactive Waste Management Compact H-1391. This bill is similar in wording to Alabama, S-190. (Introduced 1/22/82.)

## HAWAII

Hazardous Substances H-1998. Requires reports submitted to the Department of Health on discharges of hazardous substances to be made available for public inspection. Describes and amends procedures for applications to discharge, import and store hazardous substances. (Introduced 1/28/82.)

## KANSAS

Municipal Energy Agency S-610. Concerns membership and withdrawal procedures of a municipal energy agency. A city may become a member or withdraw as a member if consented to by resolution of the governing bodies of not less than 2/3 of the existing member cities. (Introduced 1/27/82.)

## KENTUCKY

Southern States Energy Compact S-104. Changes the names of the Southern Interstate Nuclear Compact and the Southern Interstate Nuclear Board to the Southern States Energy Compact and the Southern States Energy Board. Would establish Kentucky as a participant in the above Compact. Describes membership requirements and procedures. Among the Compact's duties are:

- 1) Encouraging development and conservation of energy-related products and facilities;
- 2) Collecting and disseminating information on energy materials and products;
- 3) Cooperating in training programs;
- 4) Recommending changes in the regulations of the party States in any field of their interest.



## INTRODUCED LEGISLATION

### ALABAMA

Southeast Interstate Low-Level Radioactive Waste Compact S-190, H-300. Would create the above Compact for the management of low-level waste on a regional basis. The Compact would limit the number of facilities needed to manage the waste, encourage reduction in generation of waste, distribute the costs, benefits and obligations of waste management equitably among the party States, and ensure the ecological management of low-level waste. Eligible States to the Compact are: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina and Tennessee. (Introduced 1/19/82.)

### CALIFORNIA

State Energy Resources Conservation and Development Commission S-1380. Revises the Commission's functions relative to administration of energy resources in the State. The Commission is required to perform numerous functions, including forecasting of electrical energy supply and demand, establishing energy resources conservation procedures certifying power plants and related facilities, administering energy conservation assistance programs, and planning for energy shortage contingencies. (Introduced 1/25/82.)

Picowave Processing A-2292. Amends previous bill and appropriates \$250,727 from the State Energy Resources Conservation and Development Special Account in the general fund, to allow the Department of Food and Agriculture to engage in studies on picowave processing. (Introduced 8/27/81.)

### FLORIDA

Public Utilities H-765. Allows electric utilities to exercise all powers in connection with the sale and issuance of bonds. Relates valuation of electric utility property subject to eminent domain. Describes other issues relating to joint operating agencies. (Introduced 1/20/82.)

Southeast Interstate Low-Level Radioactive Waste Compact S-849. This bill is similar in wording to Alabama, S-190. (Introduced 1/29/82.)

KENTUCKY Cont'd

Eligible parties to the Compact are: Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, West Virginia, Puerto Rico and the Virgin Islands. (Introduced 1/21/82.)

Public Utilities S-171. Combines the energy and utility regulatory commissions into a single commission and re-establishes the "Public Service Commission." (Introduced 1/28/82.)

Energy Bureaus S-174. Reorganizes the Department of Energy into three bureaus. Establishes a Bureau of Energy Research and Development, a Bureau of Energy Production and Utilization and a Bureau of Energy Conservation and Distribution. Their duties, respectively, are:

- 1) Conducting and coordinating energy research and development activities concerning coal, fossil fuels, organic fuels, and other renewable energy resources;
- 2) Insuring the increased production of fossil fuels and expanded use of domestic energy sources;
- 3) Conducting research on the impact of current and future energy supply and demand; performing research on transportation and other areas of fossil fuel production; conducting energy audits of educational facilities & implementing State energy conservation plans. (Introduced 1/28/82.)

MAINE

Public Utilities Commission LD-1901. Broadens the prior approval authority of the PUC to include electric utility proposals for the purchase of ownership interests in generating plants and transmission lines located outside of the State, and the purchase of energy from outside the State. Only those proposals in excess of 1000 kilowatts (100 kilovolts for transmission lines) continuing for more than three years are affected. Also authorizes the PUC to charge the utility for the costs incurred in preparing prior approval orders. (Introduced 1/28/82.)

MARYLAND

Illegal Disposal of Waste S-31. Amends the previous bill which changes the offense for the illegal disposal of hazardous substances or low-level nuclear waste from a misdemeanor to a felony. This bill alters penalties for commission of the offense. The January 26 amendment raises the maximum fine from \$25,000 to \$100,000 and increases confinement from three to five years. (Introduced 1/13/82.)

MARYLAND Cont'd

Environmental Surcharge S-329. Alters the maximum surcharge that may be imposed by the Public Utilities Commission, per kilowatt hour of energy generated in the State. Relates to the environmental surcharge under the Power Plant Siting and Research Program. (Introduced 1/15/82.)

MASSACHUSETTS

Storage of Waste Material S-344. Prohibits the construction of any facility for the deposit, storage or disposal of spent fuel or other high-level radioactive waste unless the legislature approves it. (Introduced 1/6/82.)

Construction Charges S-372. Prohibits Boston Edison or any other electric or gas utility from passing on to consumers the charges incurred in the planning, investigation and/or preparation for construction of the Pilgrim II nuclear plant. (Introduced 1/6/82.)

Citizen Utility Board S-417. Would establish a non-profit corporation to assure adequate representation and protection of consumer interests in utility affairs, and provide for consumer control of the corporation. The Board may intervene in any utility proceeding which involves the review or enforcement of that utility. The Board may also assist in research, studies and surveys concerning the interests of residential utility consumers in matters relating to public utilities. (Introduced 1/6/82.)

Regulation of Health Professions S-473. Establishes the Division of Registration, Licensure, Regulation and Professional Standards of Health Professions and Occupations. The Division would be empowered to register, license, regulate and insure the maintenance of professional standards of health occupations, including radiologic technology and radiation therapy technology. (Introduced 1/6/82.)

Waste Disposal S-826. Allows nuclear power plants to be permitted land use and to be constructed only upon certification by the Commissioner of Public Health. Public hearings must certify that radioactive wastes from the plants can be stored with no reasonable chance of escape into the environment. (Introduced 1/6/82.)

Thermal Pollution S-896. Anyone contaminating the State's waters with thermal pollution will be liable for all costs incurred for the water's restoration to its previous water quality classification. (Introduced 1/6/82.)



MASSACHUSETTS Cont'd

Transportation S-944. Prohibits the transport of any radioactive material through any city or town whose legislature has restricted such action. The legislative body of the city or town may prescribe certain conditions for transportation of such material. (Introduced 1/6/82.)

MINNESOTA

Siting S-1584. Transfers the powers and duties in the administration of the Power Plant Siting Act to the Commissioner of the Department of Energy. The duties were formally carried out by the Minnesota Environmental Quality Board. (Introduced 1/25/82.)

MISSISSIPPI

Waste Disposal S-2694. Establishes certain restrictions on the location of permanent repositories for the disposal of radioactive waste in the State. Would require repositories to be located on land that, before October 14, 1981:

- (a) is owned by the Federal Government and
- (b) is used as a site for the storage of any radioactive waste or is used as a site for any explosion of a nuclear weapon or nuclear weapon test device.

No sites will be allowed in densely populated areas. (Introduced 1/20/82.)

MISSOURI

Radiation Protection Act H-1368. Empowers the Division of Health of the Department of Social Services to administer a Statewide radiation protection program. The program would include determinations and reductions of radiation hazards, the development of a data management system to maintain information on radiation users, establishment of rules and regulations for decontamination and disposal, etc. The bill also proposes to enter into an agreement with the NRC allowing the Division to license persons utilizing certain radioactive materials. (Introduced 1/6/82.) (Similar to H-911, published in the last issue).

NEW YORK

Nuclear Responsibility Act S-45-A. Requires certain documentation to be presented to the citizens assuring the reliability and safety of certain components of nuclear power plants before they may be constructed. These components include:

NEW YORK Cont'd

1. Emergency core cooling systems;
2. Permanent storage for radioactive waste;
3. Proof that liability limits imposed by the Federal government have been waived or removed and full compensation assured to citizens in the event of damages;
4. Detailed warning and evacuation proposals. (Amended)  
(Introduced 1/11/82.)

Transportation A-9482. Amends present law by allowing the Commissioner of Transportation to make regulations concerning the transportation of radioactive materials by motor vehicles without regard to the vehicle's size or weight limitations, unless the vehicle's size poses special hazards to the public. (Introduced 1/19/82.)

OHIO

Regulation of Public Utilities S-378. Amendments to the regulations include: prohibiting former Commissioners and attorney examiners from representing a utility before any State board for a period of two years after leaving the PUC, deleting language placing restrictions on charitable contributions by utilities, and requiring at least one Commissioner to sit in on hearings of rate cases involving more than \$20 million. (Introduced 6/16/81.)

SOUTH DAKOTA

Construction Permits H-1172. Requires a notification of intent to apply for a permit for construction of a transmission facility to be filed with the Public Utilities Commission at least three months before filing an application. (Introduced 1/15/82.)

Construction Requirements H-1248. Requires utilities to apply for a certificate of public convenience and necessity at least six months prior to constructing a transmission facility. (Introduced 1/8/82.)

Siting H-1292. Requires the siting of a transmission facility along section or quarter-section lines. (Introduced 1/18/82.)

VERMONT

Energy Conservation H-220. Through the establishment of rates of return, tolls, charges and schedules, encourages the implementation by electric and gas utilities of energy-efficiency and load management measures which will be cost-effective for the utilities and their customers on a life cycle cost basis. (Introduced 1/22/81.)

## VIRGINIA

Transportation S-85. Requires any vehicles used in the transport of radioactive materials to be equipped with steering stabilizers. (Introduced 1/15/82.)

Virginia Mining Tax Act S-338. Provides for the imposition of license or privilege taxes on certain persons severing or extracting oil, gas, uranium and coal. Provides penalties for delinquency of payments. (Introduced 1/29/82.)

Uranium Mining & Milling H-583. Would make it unlawful to explore for, mine or mill uranium prior to July 1, 1983. (Introduced 1/28/82.)

Southeast Interstate Low-Level Radioactive Waste Management Compact H-709. This bill is similar in wording to Alabama, S-190. (Introduced 1/29/82.)

## WASHINGTON

Energy Facilities H-975. Requires applications for energy facilities to contain economic analyses comparing the costs of all alternatives to the facility and other similar facilities on which construction has been deferred or terminated. (Introduced 1/21/82.)

Operating Agencies H-1053. Requires that any items of the same kind of materials or supplies purchased by a joint operating agency constructing electrical facilities, the cost of which is in excess of five thousand dollars, be by contract. (Introduced 1/29/82.)

Joint Operating Agencies S-4463. Grants joint operating agencies all powers given to public utility districts. Places restrictions on such agencies, details rate procedures and allows contracts to be entered into. (Introduced 1/20/82.)

## WEST VIRGINIA

Public Service Commission H-1192. Relates to composition, qualifications and disqualifications of Public Service Commissioners and provides for their election under staggered terms of two, four and six years beginning in the 1982 election. (Introduced 1/15/82.)

Public Service Commission H-1534. Reorganizes the PSC into two agencies. The Utility Regulatory Agency will take over the present Public Service Commission's functions with respect to public utilities and gas pipeline safety. The new Public Service Commission will assume the motor carrier functions of the present PSC. Describes membership requirements and rate changing procedures of each. (Introduced 2/1/82.)

INTRODUCED RESOLUTIONS

## TENNESSEE

Clinch River Breeder Reactor SJR-205. Would adopt as the official State Policy, the position that the CRBR project should be completed as quickly as possible, and that site preparation should commence without further delay. (Introduced 1/25/82.)

## WASHINGTON

High-Level Waste SJM-116. Requests Congress to place emphasis on the following with regard to high-level waste:

- 1) assure full State participation & approval in the high-level waste federal depository site selection criteria,
- 2) permit civilian nuclear plant owners and operators to expand their on-site spent fuel storage capacity rather than requiring away-from-reactor (AFR) storage for high-level waste,
- 3) proceed on the federal level with the concept of regional disposal sites,
- 4) provide the necessary fiscal resources for State & local governments to become meaningful participants in the federal decision-making process. (Introduced 1/19/82.)